

**THE IOWA DISTRICT COURT SEVENTH JUDICIAL DISTRICT
ADMINISTRATIVE OFFICE, SCOTT COUNTY COURTHOUSE
400 WEST FOURTH STREET
DAVENPORT, IA 52801-1104
(563)326-8783
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Honorable Marlita A. Greve
Chief Judge
Marlita.Greve@iowacourts.gov

Kathy M. Gaylord
District Court Administrator
Kathy.Gaylord@iowacourts.gov

EDMS BULLETIN | 2015-01

DATE: March 17, 2015
IMPACT: ALL EDMS COUNTIES IN THE SEVENTH JUDICIAL DISTRICT
SUBJECT: Procedures for Withdrawing as Attorney of Record

SCENARIO 1: CONCLUSION OF CASE

If any case has concluded, the attorney should 1) file a motion to withdraw stating that representation is finished and 2) submit a proposed order approving the withdrawal. These types of withdrawals do not require a hearing to be set.

SCENARIO 2: PENDING CIVIL CASES WITH CLIENT'S CONSENT

In a pending civil case, if the client approves of the attorney's withdrawal, the attorney should 1) file a motion indicating within the body of the motion that it meets with the client's approval and 2) submit a proposed order approving the withdrawal. These types of withdrawals do not require a hearing to be set.

SCENARIO 3: PENDING CRIMINAL CASES WITH PUBLIC DEFENDER'S OFFICE CASE CONFLICT

In a pending criminal case to which the Public Defender's Office (PDO) has been appointed, if the PDO has a conflict of interest the PDO should 1) file a motion to withdraw indicating that the withdrawal is necessitated by the conflict of interest and 2) submit a proposed order approving the withdrawal. These types of withdrawals do not require a hearing to be set.

SCENARIO 4: PENDING CRIMINAL CASES WITH PRIVATE COUNSEL CASE CONFLICT

In a pending criminal case to which a contract attorney has been appointed or an attorney privately retained, if the attorney discovers a conflict of interest the attorney should 1) file a motion to withdraw providing sufficient explanation of the conflict and 2) submit a proposed order approving the withdrawal. These types of withdrawals do not require a hearing to be set.

SCENARIO 5: PENDING CIVIL CASES WITHOUT CLIENT'S CONSENT

In a pending civil case, if an attorney wishes to withdraw because of issues/problems with a client, the attorney should 1) coordinate a hearing date and time with any other counsel of record and Court Administration; 2) file a motion to withdraw; 3) submit a proposed order setting the hearing for the date and time coordinated with Court Administration; and 4) provide notice to all parties/counsel. Attorneys must coordinate a date and time with counsel and Court Administration.

SCENARIO 6: PENDING CRIMINAL CASES - DEFENDANT SEEKING NEW COUNSEL

In a pending criminal case, if a Defendant wants a new attorney, the Defendant must 1) file a motion requesting new counsel. Current counsel will be directed to coordinate a hearing date and time with any other counsel of record and Court Administration and provide notice to all parties/counsel.

COUNTIES

Cedar

Clinton

Jackson

Muscatine

Scott

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SCENARIO 7: PENDING CRIMINAL CASES WITHOUT CLIENT’S CONSENT

In a pending criminal case, if an attorney wishes to withdraw because of issues/problems with a client, the attorney should 1) coordinate a hearing date and time with any other counsel of record and Court Administration; 2) file a motion to withdraw; 3) submit a proposed order setting the hearing for the date and time coordinated with Court Administration; and 4) provide notice to all parties/counsel. Attorneys must coordinate a date and time with counsel and Court Administration.

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